IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE FIRST DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 14127 of 2005

Between:

M/s. Adarsha Municipal Safai Workers, Rep. by Smt. Padma W/o. Babu, R/o. H.No. 6-1-111, Kancharkunta, Warangal,

..... PETITIONER

AND

1. The Commissioner, Municipal Corporation of Warangal, S.V.N.Road, Warangal.
2. The District Collector/Special Officer, Subedari , Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to exercise extraordinary jurisdiction under Article 226 of the Constitution of India and declare the action of the Respondent No.1 in cancelling the work order vide its order dt. 18-6-2005 bearing proceedings No. F1/3129/03-05 without considering the representation dt. 21-6-2005 of the writ petitioner as arbitrary, illegal, affecting the right to life and property of the petitioner by writ of Mandamus and consequently cancel all further action of respondent No.1 regarding steps taken for allotment to others.

Counsel for the Petitioner:MR.BANKATLAL MANDHANI

Counsel for the Respondent Nos.1: MR.V.DURGA NAGESWARA RAO

Counsel for respondent No.2: G.P. for Revenue.

The Court made the following :

O R D E R:

This writ petition is filed by the Andhra Pradesh Municipal Safai Workers Society, seeking to declare the action of 1st respondent-Commissioner, Municipal Corporation of Warangal, in passing orders dated 18.06.2005 by cancelling the work order of the Society without considering their representation dated 21.06.2005 as illegal, arbitrary and affecting the right to life and property of the petitioner-workers.

It is the case of the petitioner-Society that they were initially allotted the work of sanitation in Unit No.19 on contract basis for a period of one year i.e., 01.11.2004 to 31.10.2005. On receiving the show cause notice issued by 1st respondent, dated 14.06.2005, the petitioner-Society submitted an explanation, dated 16.06.2005. 1st respondent without conducting any enquiry and personal hearing, cancelled the contract on 18.06.2005. After coming to know about the cancellation of the contract, all the group of petitioner-workers met the first respondent and submitted a representation, dated 21.06.2005 seeking to recall the order. Though it was promissed by 1st respondent that she will look into the matter, but surprisingly, without giving any reasons, issued a notification calling for applications from the candidates for allotment of work in Unit No.19. Hence, this writ petition is filed.

The learned counsel for the petitioner-Society submits that when the petitioner-Society came to know about the passing of the impugned order, they submitted an explanation dated 17.06.2005. In spite of the same, the impugned order was passed by the respondent authorities without conducting any enquiry and thereby cancelled the contract on 18.06.2005. The learned counsel also submits that on 21.06.2005 the petitioner-Society submitted a representation before the authorities and though they promised that they will look into the matter, issued a notification calling for applications from the candidates for allotment of work in Unit No.19.

In view of the fact that the respondent authorities passed the impugned order

without giving any opportunity to the petitioner-Society, I think that it would be just and proper to direct the respondent authorities to consider the representation of the petitioner-Society, dated 21.06.2005 and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order.

The writ petition is accordingly disposed of. No costs.

E.DHARMA RAO J.,

Dt.01.07.2005

c.c.in two weeks

B/o

tjs

To

1 The Commissioner, Municipal Corporation of Warangal, S.V.N.Road, Warangal.
2 The District Collector/Special Officer, Subedari , Warangal.

3 2 C.Cs to the G.P. for Revenue, High Court of A.P., Hyderabad (OUT)

4 2 CD copies

5 1 CC to MR.BANKATLAL MANDHANI